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ORIGINAL
FILE

Honorable Connie Mack
United States Senate
517 Hart Senate Office Building
Washington, D. C. 20510-0904

Dear Senator Mack:

Thank you for your letter on behalf of Mr. Michael N. Hoffman, Chief Executive Officer of LeJeune Associates of Florida located in West Palm Beach, Florida. Your constituent is concerned about the FCC's refusal to adopt a national database system in which consumers who do not wish to receive telephone solicitations could list their names, thus using the database to screen unwanted solicitations. Mr. Hoffman states that his company markets equipment and services that permit telemarketers to comply with laws protecting consumers from receiving unwanted telephone solicitations in the State of Florida. We also have received an inquiry from another congressional office concerning this matter.

The Telephone Consumer Protection Act of 1991 (the Act) bans unsolicited calls to emergency telephone lines, hospital guest rooms and paging and cellular telephones from automatic telephone dialing systems (ATDS). The Act also bans such calls to residences unless the Commission adopts rules exempting certain types of calls. On September 17, 1992, the Commission adopted rules that, with certain exceptions, such as calls by tax exempt non-profit organizations, prohibit unwanted telephone solicitations to residences using ATDS. Any permitted pre-recorded calls made using ATDS must identify the caller, give the caller's telephone number or address, and release the called party's line within five seconds of notice to the caller that the called party has hung up. Moreover, the rules prohibit calls to residences between the hours of 9:00 p.m. and 8:00 a.m. Finally, rather than adopt a national database, telemarketers will be required to maintain company-specific do-not-call lists for any "live"

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Honorable Connie Mack

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telephone solicitations, thus protecting residential subscribers from unwanted solicitations. The Commission's rules become effective December 20, 1992. Enclosed is a copy of the Act and other informational material which may be of interest to your constituent.

Thank you for your interest.

Sincerely,

A handwritten signature in cursive script, reading "Robert W. Spangler".

Robert W. Spangler
Deputy Chief (Policy)
Enforcement Division
Common Carrier Bureau

Enclosures

CONNIE MACK
FLORIDA

United States Senate
WASHINGTON, DC 20510-0904

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September 25, 1992

Director Linda Townsend
Office of Legislative Affairs
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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AIRS

Dear Director Townsend:

Enclosed please find a copy of correspondence which I recently received from a constituent.

I would appreciate it if you would immediately review Mr. Hoffman's concerns, and provide me with the Federal Communications Commission's position on this issue. When contacting my office, please notify my Projects Coordinator, Jeffrey Cohen, 517 Hart Senate Office Building, Washington, D.C. 20510.

Thank you for your immediate attention in this matter.

Sincerely,

Connie Mack

Connie Mack
United States Senator

CM/jmc

Enclosure

OFFICE OF THE CLERK
U.S. SENATE
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LEJEUNE ASSOCIATES OF FLORIDA RECEIVED

"CALL IDENTIFICATION AND BLOCKING SYSTEMS"

1401 Forum Way, Suite 100 West Palm Beach, Florida 33401 (800) 222-3945 Fax: (407) 684-6890 AUG 23 1992

August 23, 1992

Senator Connie Mack
Hart Senate Office Building
Room SH-517
Washington, D.C. 20510-0904

Re: Regulation of unwanted Telephone Solicitations;
Federal Communications Commission, CC Docket
~~91-90.~~

Dear Senator Mack:

I am Chief Executive Officer of LeJeune Associates of Florida, a company based in West Palm Beach. LeJeune markets equipment and services that permit telemarketers to comply with laws protecting consumers from receiving unwanted phone solicitations. I am writing to request your assistance in connection with a rulemaking proceeding pending before the Federal Communications Commission. The FCC is scheduled to act on September 17, so this is a matter of some urgency.

LeJeune Associates of Florida has been in business since April of 1991. We have a Sales Call Restriction System (SRS) that effectively blocks calls to a corresponding no sales call restriction list published by the state of Florida. As of this writing, some of our customers are such influential companies as Humana Hospital, J.B. Hanauer and Independent Timeshare Sales Company. Their letters of reference are enclosed for your inspection.

You may recall that last fall the Congress enacted legislation directing the FCC to establish similar Federal regulation that of the Florida 1990 anti solicitation law. This legislation, the Telephone Consumer Protection Act of 1991, received a great deal of praise from consumers and the press.

LeJeune had expected that the FCC would direct the creation of a national database in which consumers who do not wish to receive telephone solicitations could list their names--just like the Florida approach, thus using modern technology to screen unwanted solicitations.

Unfortunately, LeJeune has been told that the FCC appears to be using a loophole in the legislation to refuse to adopt a national database system. We understand that the FCC may be siding with telemarketers who are asking the Commission to require only "self-regulation" in this area. Such "self-regulation" is failing now, and would be a serious disappointment to consumers.

Senator Connie Mack
August 23, 1992
Page Two

The FCC is scheduled to act on this matter at its September 17th meeting. Continued Congressional monitoring is critical before that date. I would ask you to communicate to the FCC your support for a national database list option for consumers who want to escape telephone solicitations. I would also ask you to contact Senator Hollins and Senator Inouye to express your concern that the FCC not ignore Congress's intent in this area.

I would also ask you to contact Senator Pressler, the original sponsor of this legislation, to express your support for his position and your concern that the FCC is ignoring Congressional intent in this area. It would also be helpful if you would speak with Senator Hollinggs and Senator Danforth about this problem.

I have enclosed some additional information concerning LeJeune, as well as a copy of LeJeune's comments filed in the FCC proceeding. Please have one of your staff call me to discuss this matter.

I realize that time is short, and I can assure you that we already have been active at the FCC. It has become apparent that your help is needed. Thank you very much for whatever assistance you can provide.

Sincerely,



Michael N. Hoffman

cc: Robert N. Mottice, Legislative Director
Office of Senator Connie Mack

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